

REMARKS

Claims 1-24 are pending in the present application. With entry of this Amendment, Applicants amend claims 1, 3, 5, 9, 10, 13-16 and 18-20, cancel claims 2, 6-8, 11, 12 and 24 without prejudice and add new claims 25-27. Reexamination and reconsideration are respectfully requested.

The Examiner object to two informalities in the specification. Applicants have amended the specification accordingly and respectfully request that the Examiner withdraw the objection.

Applicants note with appreciation the indication of allowable subject matter with respect to claims 15 and 16. Applicants have amended claims 15 and 16 to place them in independent form including the recitations of claims 1 and 14 from which they depended. In so doing, Applicants have changed the phrase "close proximate" to "closely proximate" to place the claims in better grammatical form.

The Examiner rejected claims 3 and 18-24 under 35 U.S.C. § 112, second paragraph. Applicants have amended claim 3 and 18 and canceled claim 24 as discussed above. It is believed that these amendments render the Examiner's rejection moot.

Independent Claim 1

The Examiner rejected claim 1 under § 102(b) as being anticipated by Suetake et al. (US 5911291).

Independent claim 1, as amended, recite a proximate member "including a shaft member and a support member supporting the shaft member, the shaft member being placed closely proximate to the rotor and supporting the magnetic flux loop forming member via the supporting member . . . wherein the magnetic flux leakage eliminating section includes a plurality of spatial areas defined between an inner periphery surface of the rotor and an outer peripheral surface of the proximate member."

It is believed that Suetake does not disclose the above recitation. As illustrated in Fig. 7, shaft 29L merely supports solenoid 50 via ball cam mechanism 44. Thus, shaft 29L is not “closely proximate” to a rotor. Accordingly, claim 1 is not anticipated by Suetake.

Moreover, Suetake merely discloses a gap β between solenoid 50 and ball cam mechanism 44 and a gap γ between ball cam mechanism 44 and shaft 29L. Thus, Suetake fails to disclose a plurality of spatial areas defined between an inner periphery surface of a rotor and an outer peripheral surface of a proximate member. Accordingly, Applicants respectfully submit that claim 1 is not anticipated by Suetake for this reason as well.

Claims Depending From Claim 1

A. Claims 2, 3, 5-7 and 14

The Examiner rejected claims 2, 3, 5-7 and 14 under § 102(b) as being anticipated by Suetake. Applicants have canceled claims 2, 6 and 7 without prejudice. Claims 3, 5 and 14 are not anticipated by Suetake for at least the reasons set forth above with respect to claim 1.

B. Claims 4, 8-13 and 17.

The Examiner rejected claims 4, 8-13 and 17 under § 103(a) as being unpatentable over Suetake in view of Ikeda et al. (US 6109408). Claims 11 and 14 have been canceled without prejudice. With respect to claims 4, 9, 10, 13 and 17, Applicants respectfully traverse the rejection.

Ikeda fails to make up for at least one deficiency of Suetake with respect to the claim 1 recitation discussed above. Ikeda discloses a transmission system having a rotor 27, a shaft 20 and a bushing 31 therebetween. It is unclear what spatial areas in Ikeda, according to the Examiner, inherently limit flux leakage. It is believed that the Examiner is referring to the areas between the surfaces of the rotor 27 and the shaft 20 as illustrated in Figs. 1 and 5.

The illustration of these spatial areas in Figs. 1 and 5, however, does not suffice to establish that the areas in fact do limit flux leakage. There is nothing in the figures to suggest that the areas are large enough to limit flux leakage. It is noted that Fig. 5 is an enlarged view. Moreover, there is nothing in the written description of Ikeda to suggest that the areas limit flux leakage or are even intended for dealing with flux leakage. Applicant notes that for a limitation to be inherent in prior art it must be *necessarily* present – not merely probably or possibly present. Thus, it is Applicant's position that Ikeda fails to inherently disclose spatial areas for limiting flux leakage. Accordingly, Applicants respectfully submit that dependent claims 4, 9, 10, 13 and 17 are not obvious in view of Suetake and Ikeda for at least the reasons set forth above.

Applicants note that claims 3, 9, 10 and 13 have been amended in view of the amendments to claim 1 and/or to better claim the invention.

Applicants have added new claims 25-27 which depend from claim 1. For at least the reasons set forth above, Applicant respectfully submit that the claims are in condition for allowance.

Claim 18

The Examiner rejected claim 18 under § 102(b) as being anticipated by Suetake. The rejection is respectfully traversed.

Claim 18, as amended, recites “a proximate member including a shaft member and a support member supporting the shaft member, the shaft member being placed closely proximate to the rotor and supporting the magnetic flux loop forming member via the support member . . . wherein a plurality of spaced portions are formed in a part of opposing surfaces between the magnetic flux loop forming member and the proximate member.”

Suetake fails to disclose the above recitation for the reasons discussed above with respect to claim 1. Accordingly, Applicants respectfully submit that claim 18 is not anticipated by Suetake.

Claims Depending From Claim 18

A. Claims 19, 20 and 22-24

The Examiner rejected claims 19, 20 and 22-24 under § 102(b) as being anticipated by Suetake. Claim 24 has been cancelled without prejudice. Claims 19, 20, 22 and 23 are not anticipated by Suetake for at least the reasons set forth above with respect to claim 18.

Applicants note that claims 19 and 20 have been amended in view of the amendments to claim 18 and/or to better claim the invention.

B. Claim 21

The Examiner rejected claim 21 under § 103(a) as being unpatentable over Suetake in view of Ikeda. The rejection is respectfully traversed

Suetake fails to disclose the above recitation of claim 18. Ikeda fails to make up for at least one of the deficiencies of Suetake for the reasons discussed above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of

such petitions and/or other fees due in connection with the filing of this document to **Deposit**
Account No. 03-1952 referencing Docket No. 482782007100.

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Respectfully submitted,

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